

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MATTHEW CARRILLO,

Plaintiff,

v.

No. 1:22-cv-00760-KWR-GBW

METROPOLITAN DETENTION CENTER, *et al*,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court on Plaintiff's failure to pay an initial partial filing fee in this civil rights action. Plaintiff is incarcerated and proceeding *pro se*. By an Order entered January 26, 2023, the Court granted leave to proceed *in forma pauperis* and directed Plaintiff to make an initial partial payment of \$5.33 within thirty days. *See* Doc. 5. Such payment is required by statute. Section 1915(b) of Title 28 requires inmates to make an initial partial payment equal to 20% of their average monthly deposits or average monthly balance, whichever is greater. The Order warned that if Plaintiff fails to timely make the payment, the case may be dismissed without further notice.

The payment deadline was February 25, 2023. Plaintiff did not make a payment, show cause for such failure, or otherwise respond to the Order. The Court will therefore dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS ORDERED that Plaintiff's Amended Civil Rights Complaint (**Doc. 2**) is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b); and the Court will

enter a separate Judgment disposing of this civil case.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE